IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 15214 of 2007(J)

PETITIONERS:
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1. **ANU ANTONY, S/O.ANTONY,**
   THEKKEVEETTIL HOUSE, P.O.ARTHUNKAL,
   CHERTHALA, ALAPPUZHA DISTRICT.

2. **N.V.SUDHI, S/O.VELAYUDHAN,**
   NAMBIYETHSSERI HOUSE, POST MUHAMMA,
   CHERTHALA TALUK.

3. **HARIHARAN, S/O.KUMARAN,**
   NELLISSERY HOUSE, KANNANKARA P.O.,
   CHETHALA TALUK.

BY ADV. SRI.T.G.RAJENDRAN.

RESPONDENTS:
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1. **ASST.EXCISE COMMISSIONER,**
   ALAPPUZHA.

2. **S.I OF POLICE, MUHAMMA POLICE STATION.**

3. **STATE OF KERALA,**
   REP.BY CHIEF SECRETARY, SECRETARIAT,
   THIRUVANANTHAPURAM.

4. **SOMARAJAN, KANDATHIL HOUSE,**
   THANEERMUKKOM NORTH VILLAGE.

prv.

W.P.(C). NO.15214/2007:

5. AMOD, S/O.GOVINDAN,
KARIKKAD P.O., THANEERMUKKOM NORTH VILLAGE.

***ADDL.R6. THANNIRMUKKOM PANCHAYAT,**
REPRESENTED BY ITS SECRETARY.

***ADDL.R7. DISTRICT COLLECTOR,**
ALAPPUZHA.

***ARE IMPLEADED AS ADDL. RESPONDENTS 6 & 7 AS PER ORDER DATED 05/06/07 IN I.A. 6909/07.**

BY GOVT. PLEADER SRI. P.A. SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

prv.

W.P.(C). NO.15214/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER DTD. 10/05/07 OF THE R.1.

EXT.P.2: COPY OF THE LICENCE NO. 82/2007-08.

EXT.P.3: COPY OF THE PETITION FILED BY THE PETITIONERS BEFORE THE R.2. DTD. 12/05/07.

EXT.P.3.A: COPY OF THE ACKNOWLEDGEMENT OF EXT.P.3.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 15214 OF 2007-J

Dated 17th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioners are the licensees of T.S.No.22/2007-08 of Cherthala Excise Range. Ext.P2 is the licence granted to them, pursuant to Ext.P1 order ordering shifting of the shop to a new site. As per Ext.P2, licence is granted in respect of a building bearing No.T.K.M.P VI/819A. The persons under the leadership of respondents 4 and 5 are causing obstruction to the running of the shop. Therefore, the petitioners filed Ext.P3 representation before the police, seeking police protection and thereafter, this writ petition is filed, as the police have failed to help them.

2. The learned Government Pleader, upon instructions, submitted that the local people who do not want the shop functioning in the new site are conducting an agitation against it. They have filed representations before the District Collector and the Excise authorities. As long as Ext.P2 licence remains in force, the petitioners are entitled to get protection to run the

shop. Those who are opposing the functioning of the shop are entitled to hold peaceful demonstrations and satyagrahas. But, they cannot physically obstruct the ingress and egress of the employees and customers of the petitioners. If any obstruction is caused, the petitioners shall inform the 2nd respondent. In that event the said respondent will remove the unlawful obstruction. But, the police shall not interfere with the peaceful demonstrations or protest meetings held by the people of the locality. The party respondents may pursue their representations before the District Collector and the excise officials. This protection ordered will remain in force as long as Ext.P2 remains in force.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/